Previous references.

LR 72/92

File No. ~~412~~ of 1892-93

1897

~~190~~

(Rev: Miscellaneous) ans

Later references.

(P-33) E&C

GENERAL AND REVENUE SECRETARIAT.

Consolidated

Serial Nos. 1—9

PART B FOR

Indexed

SUBJECT.

Tope in Sarjapur, Anekal Taluk claimed by one Venkatachar and two others

1.	From Venkatachar and two others, Petition dated 17.2.93 Appeals against the order of the Dy Comr Bangalore rejecting his claim to the Tope in Maji No 185 in Sarjapur village which had been treated by Settlement Officer at the time of the Survey Settlement as Govt Kharab.
2.	To the Dy Comr Bangalore ~~Ref~~ O.M. Rc 1137 dy the 6.3.93 forwards the above petition for a report on certain points
3.	From the Dy Comr Bangalore, No D.14 dy the 5.7.93 Submits the report called for
G. R. S. 58.	
4.	To the Supt Rev: Survey in Mysore Docket No 1894 dy 24.5.95 for report why the Tope should not be registered in the name of the claimants

P.T.O

Petition No 2136 of 1892-93

Petitioners - 1 Cheniraiya
2. Venkatachari

Subject - Appeal against the action of the Survey Dept in enfercing a certain Tope, which was in the enjoyment of Petitioners on payment of Amarayi Kandayam, as Kharab, and removing the same from Petitioners holding.

The Petitioners urge :—

(1) that the tope and some dry land adjoining it formed one Maji No, viz 175 of Sarjapur, that the Survey Dept assessed one part of the number viz the field & allowed it to remain in Petn Khate, but treated the other part as Kharab & assessed it & forfeited; and that such different treatment of parts of the same number was not right.

(2) that Petn's ancestors obtained the land for Kandayam, and planted & improved the tope at a great cost; and that in view of this the Head Nirn of the Place may be consulted & accounts referred to.

(3) that from a long time the Petrs have been enjoying the produce of both the tope and the field.

(4) that in exactly a similar case, a tope in the possession of one Paresi Bappa of Sarjapur was assessed & given to him

On the ground that the land was according to Manual paying Maravali Kandayam, it was ordered at the Survey Settlement that the tope was Govt tope & that as regards dry wood the Manual should be observed.

The Survey Supt declined to ~~order~~ grant the Petrs' prayer, and the Dy Commr in ~~forwarding~~ forwarding a similar endorsement, stated that at the Settlement the Tope had been treated as a Charitable tope & entered as Kharab

On receipt of the Petrs' appeal, the Dy Commr was asked to report (1) whether it was a tope planted for charitable purposes, (2) whether the produce was being sold by auction & (3) if so under what standing orders. The Dy Commr

5

Dec 2nd 1907

that the Pipe being away from the village & North road is not used by the Natives - people or travellers.

The Survey Dept. is of opinion that "No there be no object in conserving the Pipe the land may be assessed and given out to the present holders" He also suggests that "a proviso maybe laid down prohibiting the cutting of the trees"

There can be no doubt that the Pipe & the produce of the trees were enjoyed by the Petri family & that all the Survey settlement a sort of law was being carried from the holders. The Petitioners pri

6

-vate proprietorship cannot under these circs be altogether ignored - If this new plea case is added the ruling of Govt in Order 12534-44 / RT 116-92 × vide Sl 15 R.N. 116 of 92-93 of 24th June 1895 that if the Rspts in their present condn are practically of no use to Rattlers or the village community they might be transferred to the planters of their choice, the Rspts case becomes very strong, and they must be held entitled to have a Rule for the Pose in question.

It is unnecessary to levy any valuation money because as suggested by the Rspts Counsel the Rspts will be prevented from calling the trees in the Pose - The number & description of them shd be entered in the Khaleva Rahake and a proper inspection made & a note of it entered every year in the Rahake Rahane Field Inspection Book or

27.8.97

Govt decide that the Pose be opened by the Rspts and that the assessment be charged from the date of the Survey Settlement.

Govt accordingly

Draft 31/9/97 VI 111

Print

Govt

(General Serial No. 32.)

1893

No. 2136

Name of Petitioner. Mallayyana Channayya and Venkatalhara

Village. Sarjapura

Taluk. Anekal

District. Bangalore

Date of Arzi. 17/2/93

Date of Receipt. Do.

Date of Disposal.

No. of Enclosures. 4

ABSTRACT.

Petitioners' ancestors obtained Maji No 175 in Sarjapur, and enjoyed it by raising a Tope in a part of it, at their own cost, and by cultivating the remaining portion. At the time of the Survey Settlement, the cultivated portion was ~~was~~ assessed and given to Petitioners; but the Tope was treated as Govt. Kharab.

After complaining in vain to the Survey Superintendent, Petitioners addressed the Deputy Commr. But he gave them

Mysore Govt. Central Press Bangalore—7-9-92,—1000.

With endorsement
to the effect that he could not
enter into the matter as an
endorsement had already
been issued to them, to say
that their request could not
be complied with, since, at
the time of the Survey Settlement,
the Tope was included in
Kharab as a public grove.

The present appeal is
against the above Order

SK 20/2

2 Sollers Serial 3

Petn Bx
Mvm

7/7

Submitted for orders.

No orders have been passed in this case, this the general question of Topes has been disposed of by Proceedings No 1253-44 R7 116-92 of 24th January 1895. Please see para 33 of the accompanying Office note.

If approved, the records connected with this case may be returned to the Deputy Commr for disposal with reference to the orders contained in the above Proceedings.

HD 18/4/95.

H 19/4/95

(General Serial No. 30.)

140

7 JUL 93

1893 Feb 24

From The Dy Commissioner Bangalore District

To

The Chief Secretary to the Dewan of Mysore.

Dated 5th July 1893.

Despatched —Do—

Received

Enclosures No. 2 & file

General No.

D No. 14

The Chief Secretary's No. 1137 dated 6th March last, forwarding for report a petition from Venkata Char and Mallanna Chennaya, regarding a Tope in the Anekal Taluk.

—"—

In returning the enclosures of the above, has the honor to forward an abstract, furnishing the information called

M. G. C. P. Bangalore.—27-1-93.—5,000.

This clear in this case that the Tope is a private one altogether & that the party in possession has applied for new survey & the grant of new survey & the Tope should be allowed in the name of the Petitioner & he will of course be bound by the conditions of the grant. The Tope should be cancelled.

Drafted HD 20/4/95

MM 20/4/95

5

for.

2. The 2nd. General Assistant-Commissioners' Memo No. 1300 dated 13th. Ultimo with its enclosures are herewith submitted.

H. Mansergh

for Dy Commissioner.

1885

Draft answered

No 18948 dt 23/4/95
R.F. 116-92 4/5

To.

The Superintendent
Revenue Survey
in Mysore.

Sir.

In forwarding herewith in original docket No 14 dated 5th July 1893 from the Deputy Commissioner of the Bangalore District ~~with its Enclosures~~, regarding a ~~certain~~ tope claimed by Chinniah & Venkatachari of Surjapur in the Anekal Taluk, I am directed to observe that it is clear in this case that the tope in question is a private one altogether

with enclo

for which the party in
possession was paying the
'Amsai Kandayan' and
to request that you will
~~be~~ if he so good as to report
why the same should not
be assessed ~~assigned~~ and registered
in the name of the ~~Claimants~~ former holder
who will of course be bound
to pay assessment ever
since the 'Amsai Kandayan
ceased.

I have &c

29/4/95

Ag Chief Secty.

W.B. 22/4/95

W.C. 26/4/95

Serial 5

(General Serial No. 30.)

1895. 14752

Pet. 68

From The Supdt Mysore Rev Survey R 4078

To Govt

The Chief Secretary to the Dewan of Mysore.

Dated 2nd May 1895

Despatched

Received

Enclosures No. with / file

General No. 219 / No.

In reply to Chief Secy's letter no 1894 R of 26/166-92 dated 26th April 95

SUBJECT. Reporting upon the Tope claimed by Chinnaih & Venkatachari of Sarjapur in the Anekal Taluk

This may be transferred to the Rev. Br. as the letter herein quoted was issued from that Branch.

Transf'd to the Rev. Branch 4/5.

Mr Rees 8.5.95

Srlad

JRD 8/5

JRD

May a copy of this be sent to the Dewan with a request that a further report may be submitted regarding

(1) the area and position of the tope.

(2) the no. and description of trees it contains

(3) whether there is no object in conserving the tope - and how far it has been useful to the public.

JRD for orders

RR 13/5/95

Yes - (And I also make enquiries with the view to taking steps to preserve the trees if necessary)

14/5/95

What is area?

Stated 15/5

x The Grant Sanctioning which the Tope is claimed, Arrears of Assessment were not forthcoming. Petn. Knows - the Trees are not Teak but appears to mean Karanji for Timber

RR 15/5/95

References (to be entered only in the Dewan's Office).

No 219

Survey Superintendent's Office

Bangalore 2nd May 1895

To,

The Chief Secretary to the

Government of Mysore

Sir,

I am returning the enclosures to your letter No. 18948 / R4 1692 dated the 26th April 1895 I have the honor to state that, in the case of the Tope claimed by Chinniah and Venkatachari of Sarjapur, Anekal Taluk, it transpired at the time of introducing the Settlement

Settlement that the trees were held on "Amrai Kandayam" and the Settlement Officer recorded the rights of the planters of the Tope as far as they existed remitting the "Amrai Kandayam" It appears to me that the fact of the planters paying "Amrai Kandayam and no land assessment established the right of Government and that the action of the Settlement Officer, while quite fair to the planter who, so far as I can ascertain had no right

over

over the trees beyond enjoying the produce at a fixed "Amrai Kandayam", was calculated to conserve the Tope. To give the land out to the planter on land assessment will be to give him rights which he never had before and he can, and probably will, cut down the trees.

2 Should there be no object in conserving the Tope the land may be assessed and given out to the present holders. A proviso might be laid down prohibiting the cutting of the trees.

I

I have the honor to be
Sir
Your most obedt Servant

H Hunt

Supdt Mysore Revd
Survey

Dept of Agriculture,

No. 21556
R 7116-92-93
Q 21-5-95

Here enter, letter No 219 dated 2nd May 1895 from the Superintendent, Revenue Survey (reporting in connection with the topes claimed by Chinniah & Venkatachar of Surjapur in the Anekal Taluk.)

Copy forwarded to the Deputy Commissioner of the Bangalore District with reference to his No 14 dated 5th July 1893 and with a request that he will submit a further report on the following points:—

(1) The area & position of the topes.

(2) The numbers & description of trees it contains.

2(3) How far the tope has been useful to the public & whether there is no object in conserving the same.

2. The Ver: papers connected with the case are returned. " "

Bn Wales.

21/5

Chief Secty

15/5/95

Information should be submitted if available, of a detail the origin & present use of the tope & especially as to whether it was erected for or in connection with any religious worship & what conditions were annexed to the endowment & whether any portion of the land was granted rent free & what fluctuations in amount & nature of the endowment have occurred since the grant was made.

18/5/95

Kandagem was changed into Aucaroya
Kandagem

4. The 2nd General Assistant Commissioner's Report No 782 dated 26th March 1896 and Vernacular records are enclosed herein.

I have the honor to be,
Sir,
Your Most Obedient Servant;

W Macnaughten
Dy Commissioner.

Serial No. 5 Grant order

S

Read:-

Correspondence ending with letter No. 907 dated 8th March 1897 from the Dy Commr, Bangalore District, Submitting further report with connected papers regarding the Tope bearing Survey No. 494 measuring A 4-10 G in the Sarjapur Kasaba village, Anekal Taluk, claimed by one Chinnaya and another Venkatachar on the ground that the same, which had been planted by their ancestors, was treated as Govt Kharab during the Survey & Settlement.

Also:- Letter No. 219 dated 2nd May 1895 from the Supdt, Mysore Revenue Survey, Stating that at the time of introducing the Settlement

the bries were held on "Amrai Kandayem" and the Settlement officer recorded the rights of the planters of the Tope as far as they existed re-mitting the "Amrai Kandayem" & establishing the right of Govt to the Tope;

that the action of the Settlement Officer, while quite fair to the planter who had no right over the bries beyond enjoying the produce at a fixed "Amrai kandayem", was calculated to conserve the Tope; and that if there is no object in conserving the Tope, the land may be assessed & given out to the present holders, subject to certain condition.

Order thereon:—

The facts of the case are clear. Up to the year 1860 the Tope in question was in the Patta of the Petitioner Chinnaiya's family and land assessment was levied therefor. In the following year (1861) the land assessment was

No 2627-8 dt 6.9.97

R 7 115-97-8

En 14 U.P. sent with P.C. 16/10/97

any valuation money for the Tope, as the Petitioner will be prevented (as suggested by the Supdt. Rev Survey) from cutting the trees therein. The number and description of the trees should be entered in the Khétwar Patrike and a proper inspection made and a note thereof entered every year in the Pahané or Field Inspection Book.

Q
4/9/97

Secretary

Put up

JB 3/9/97 — H 3/9/97

To 3/9/97

The Dy Commr, Bangalore District, returning the recd: papers.

Supdt of Rev Survey in Mysore —

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ಸಭೆಯ ಸಮಯ ಮತ್ತು ಸ್ಥಳ ಮತ್ತು ಸಭೆಯ ಕಾರ್ಯಸೂಚಿಯನ್ನು ಸಭೆಯ ಸದಸ್ಯರಿಗೆ ಕಳುಹಿಸಿಕೊಡಲಾಗಿದೆ ಎಂಬುದನ್ನು ಈ ಮೂಲಕ ತಿಳಿಸಲಾಗಿದೆ.

ಸಭೆಯ ಆದೇಶದಂತೆ

"By Order"

14-11-97

Secretary

ಸಭೆಯು
ಇಂದಿನ
ದಿನಾಂಕ
13/11/97
ರಂದು
ನಡೆಯಿತು.

13/11/97

Serial No. 24

No. 4386. Dt. 16.11.97

R.Z.116-92 (A.1389)

X